

LAW REPORT.

BANCO COURT.

(Before Mr. Justice Price and J. J. RABBIT CONTRACTOR'S SUIT.

In this action Thos. Bennett sued William Houghton Grear, trading as H. and W. Grear, of 27-29 Clarence-street, Sydney, claiming £1000 compensation for alleged breach of contract in failing to supply him with a motor lorry according to promise and according to sample. The plaintiff stated that he had entered into a contract with the Merriwa Canning Company to provide equipment and carry a minimum of 400 pairs of rabbits, and a maximum of 700 pairs per trip to the company's works at Merriwa. He accordingly got into negotiations with the defendant and his assistant and inspected the type of motor lorry in which the defendant specialised, which was represented as being capable of performing the work. He accordingly arranged to purchase it on terms. When the lorry was supplied, it was found to be incapable of dealing with even the minimum load required, and plaintiff complained that as a consequence of his inability to fulfil his undertakings his contract with the canning company was cancelled. Defendant denied the plaintiff's allegations. Mr. Mack and Mr. Collins (instructed by Mr. W. M. Daley) appeared for the plaintiff, and Mr. Alec Thomson (instructed by Mr. H. L. Trees) for the defendant. The case is part heard.

NO. 1 JURY COURT.

(Before Mr. Justice Ely and a J. J.)

OCCUPANCY OF RESUMED LANDS.

Central Illawarra Council v. Waldron. The case was concluded in which the Council of the Municipality of Central Illawarra sued Hubert Herbert Waldron, claiming £250 in aid for rates and interest. A question of law arose in the case, as to whether certain alleged agreement between the Government and the defendant to the conditions of his continued occupancy of resumed lands was actually entered into, the defendant should be held to be bound by a lease or of a license under the Crown. In the form in which the case was left by his Honor to the jury that question was submitted for their opinion, and finding that the defendant was a licensee under the Crown the jury returned a verdict for the plaintiff for the amount claimed. A stay of proceedings was granted.

PLOODED CHINESE GARDEN.

DI ON v. Central Illawarra Council.

In this case Thomas Di On, the lessee of a market garden and orchard, situated at Fairy Meadow, sued the Council of the Municipality of Central Illawarra, claiming £1000 compensation for damages alleged to have been caused to his plantation through negligence of the defendant in not preventing the drainage works along the main South Coast road to Cabbage Tree Creek by which waters and polluted water were thrown on to the plaintiff's land. The defence traversed the allegations of negligence and negligence, and pleaded that the works were carried out with the plaintiff's leave. Mr. Ferguson and Mr. W. T. Morgan (instructed by Messrs. Makinson and d'Almeida, Sydney agents for Mr. A. L. Knight, of Wollongong) appeared for the plaintiff, and Mr. W. B. Barker, Sydney agent for Messrs. Russell and M'Lehland, Wollongong for the defendants. The case is part heard.

NO. 2 JURY COURT.

(Before Mr. Justice Ferguson and J. J.)

INJURED ON A TRAM.

Moroney v. Railway Commissioners. The plaintiff in this case, Timothy Moroney, sued the Railway Commissioners of New South Wales, claiming £250 compensation for injuries caused to him by a tram accident, due, as he alleged, to negligence. The plaintiff stated that in June last he was following two men, who were getting on a tram at the Cleveland-street stopping place, and when he was about to alight, the tram moved forward with a jerk, the result being that he was thrown to the ground and severely injured in the right hip. The defendant denied negligence, and pleaded certain statutory defences. Mr. Watt and Mr. Chubb (instructed by Messrs. John McLaughlin and Son) appeared for the plaintiff, and Mr. Baiton, K.C., and Mr. Weigall (instructed by Mr. J. S. Carr, Solicitor to the Railway Commissioners) for the defendants. The case is part heard.

IN EQUITY.

(Before the Chief Judge, Mr. Justice Street.)

INTERIM INJUNCTION CONTINUED.

Some time ago an interim injunction was granted against the trustees of the Burie estate, Tumut, pending the hearing of a petition by the Mammoth Incubators and Breeders, Ltd., of Sydney, for the winding up of the Tumut Valley Hatchery, Ltd., of Tumut. Yesterday, at the instance of Mr. C. Davidson, instructed by Mr. W. C. Clements, his Honor adjourned the matter for a fortnight, the interim injunction to continue in the meantime.

MALTED MILK.

Horlicks v. McKinnim.

Mr. Claude Weston, instructed by Messrs. Sly and Russell, appeared for the plaintiff, Horlicks Malted Milk Co., and Mr. F. Linton (Messrs. Parkin, Stevenson, and Co.) for the defendant, Allan Mark McKinnim, trading as the Golden Gate Sundries Shop. This was a matter in which it was alleged that the defendant had been selling as Horlicks' malted milk a preparation malted with an adulterant, the plaintiff's manufacture which was not made by the plaintiff.

IN DIVORCE.

(Before Mr. Justice Harvey.)

SCHAEFER v. SCHAEFER.

This was a suit for restitution of conjugal rights, the petitioner being Clarence George Schaefer, of Canterbury, watchman, and the respondent Hannah Schaefer (formerly Anderson), 1915, at Dudley, according to the rites of the Presbyterian Church. Mr. E. R. Abigail represented the petitioner. His Honor made an order directing the respondent to return to the petitioner within 21 days from service of order.

CARR v. CARR.

Ernest Carr, of Burwood, butcher, sought restitution to him of conjugal rights by Ethel Abigail Carr (formerly Lewis). The parties were married on December 13, 1905, at the Presbyterian Church, Annandale. Mr. E. R. Abigail appeared for the petitioner, who was granted a decree directing the respondent to return to him within 21 days.

MOLONEY v. MOLONEY.

William John Moloney, of Redfern, carter, petitioned for the dissolution of his marriage with Agnes Moloney (formerly Martin), on the ground of her misconduct at Barry Hills, with John Hughes, who was joined as co-respondent. The parties were married on March 12, 1914, at Redfern, according to the Methodist rites. His Honor found proof of misconduct, and he granted a decree nisi, returnable in six months.

ZINK v. ZINK.

Emily Emma Zink (formerly Shipley), petitioned for the restitution of conjugal rights by Frank William Zink, of Oxford-street, tailor, to whom she was married on January 5, 1914, at the Methodist Church, Redfern. Mr. E. R. Abigail appeared for the petitioner. His Honor found the respondent failed to comply with an order directing the respondent to return to the petitioner within 21 days.

CHERRY v. CHERRY.

Mr. E. R. Abigail appeared for William Cherry, the petitioner in a suit for restitution to him of conjugal rights by the respondent, Dorothy Maud Cherry (formerly Burdett). The parties were married at the Church of the Redeemer, Melbourne, on December 23, 1914. Mr. E. R. Abigail appeared for the petitioner. An order was made directing the respondent to return to the petitioner within 21 days from service of the order.

MATHIESON v. MATHIESON.

His Honor reserved judgment in the suit in which Mathieson (formerly Bradley) sought a divorce from Francis Mathieson on the ground of desertion. His Honor found the issue proved, and he granted a decree nisi, returnable in six months. Mr. Maddocks Cohen appeared for the petitioner.

EDGE v. EDGE.

At the end of last year an order was made by the Court directing Alice Bessam Edge (formerly Viney) to return within 21 days to the petitioner, Harry Thomas Edge, of Crow's Nest. The respondent failed to comply with this order, and the petitioner now applied for a decree of dissolution of the marriage. The parties were married on June 18, 1914, at North Sydney, according to the rites of the Church of England. Mr. E. R.

Abigail appeared for the petitioner. His Honor granted a decree nisi, to be moved absolute in six months.

O'DONNELL v. O'DONNELL.

Desertion was the ground upon which Rosina O'Donnell (formerly Reynolds) sought to have her marriage dissolved with Sidney George O'Donnell, of Sydney, wharf labourer. The parties were married on December 27, 1901, at Sydney, according to the rites of the Church of England. Mr. E. R. Abigail appeared for the petitioner. A decree nisi, to be moved absolute in six months, was granted.

STILSBY v. STILSBY.

Rosina Stilby (formerly Peachey) petitioned for divorce from Joseph Leichhardt, carrier, on the ground of his misconduct with a woman named Etta Stinger, at Marricopa, a maximum of 700 pairs per trip to the company's works at Merriwa. The parties were married on May 2, 1910. Mr. E. R. Abigail appeared for the petitioner. His Honor granted a decree nisi, returnable in six months, petitioner to have the custody of the children of the marriage.

GIBSON v. GIBSON.

Mr. E. R. Abigail appeared for Ellen Gibson (formerly Hyde) in her suit for divorce from Thomas Joseph Gibson, late of Balmoral, compositor, on the ground of his desertion. The parties were married on May 14, 1904, at Sydney, according to the rites of the New Christian Church. Mr. E. R. Abigail appeared for the petitioner, who was granted a decree nisi, returnable in six months.

PEARCE v. PEARCE.

Mildred Maud Harriett Pearce (formerly Sturt) petitioned on the ground of desertion for the dissolution of her marriage with Corrick James Pearce, of Burrumbidgee, farmer. The parties were married on December 20, 1905, at Sydney, according to the rites of the New Christian Church. Mr. E. R. Abigail appeared for the petitioner, who was granted a decree nisi, to be moved absolute in six months.

IN BANKRUPTCY.

(Before the Registrar.)

PUBLIC EXAMINATIONS.

Re William James Norris. Adjourned to the 28th prox.

Re Frank Trist (trading as Clarke and Solomon). The bankrupt was examined. Adjourned to the 28th prox.

COMMONWEALTH ARBITRATION.

(Before Mr. Justice Powers, Deputy President.)

Re the Australian Commonwealth Post and Telegraph Association v. the Acting Public Service Commissioner and the Postmaster-General's application to vary award.

Mr. J. G. Wilson, secretary for the applicant association; Mr. W. J. Skewton for the Acting Public Service Commissioner, and Mr. Goldring for the Postmaster-General. Argument was confined to the variations sought. The matter stands part heard.

CENTRAL CRIMINAL COURT.

(Before Mr. Justice Gordon and a J. J.)

MR. HARRIS for the Crown.

MANSLAUGHTER CHARGE.

Frederick Oswald Thorbeck, a young man wearing the badge of a returned soldier, pleaded not guilty to a charge of manslaughter. Assailed was defended by Mr. Martin (instructed by Messrs. John Williamson and Son). On the night of January 15 a motor-bicycle being ridden by Louis Phillip Buchilly, in Oxford-street, near Central Park station, as a consequence of that collision Buchilly was killed.

QUARTER SESSIONS.

(Before Judge Docker and a J. J.)

MR. MASON for the Crown.

JURY DISAGREE.

In the case in which Stephen Doyle and William Cosgrove were charged with having committed burglary at Drummoyle on April 12, 1917, the jury who had been locked up all night, announced they were unable to agree, and were discharged. Accused were remanded for trial at the next sitting of the court.

LAW NOTICES.

WEDNESDAY, MARCH 27.

SUPREME COURT.

Cause List.—In Banco Court, Mr. Justice Street.—At 10 a.m.: Bennett v. Grear (part heard); At 11 a.m.: Bennett v. The London Bank of Australia, Ltd.; At 12 noon: Notice to jurors: The jurors engaged in the above part-heard case are required to attend at 10 a.m. to-day. The other jurors summoned to attend Banco Court on Monday, March 26, will not be required to attend further.

IN JURY COURT.

In No. 1 Jury Court, King-street.—At 10 a.m.: DI ON v. Central Illawarra Council (part heard). Notice to jurors: The jurors engaged in the above part-heard case are required to attend at 10 a.m. to-day. The other jurors summoned to attend No. 1 Court on Monday, March 26, will not be required to attend further.

IN JURY COURT.

In No. 2 Jury Court, King-street.—At 10 a.m.: MORONEY v. Railway Commissioners (part heard). Notice to jurors: The jurors engaged in the above part-heard case are required to attend at 10 a.m. to-day. The other jurors summoned to attend No. 2 Court on Monday, March 26, will not be required to attend further.

IN CHAMBERS.

Before Mr. Justice Ferguson.—In No. 2 Jury Court, King-street.—At 10 a.m.: 32 parts Smith (part heard). The other parts of the case are required to attend at 10 a.m. to-day. The other jurors summoned to attend No. 2 Court on Monday, March 26, will not be required to attend further.

PROBATIONARY OFFICE.

Before the Deputy Probationary Officer: McAlary v. Commissioner of Stamp Duties, at 10 a.m.; Before the Chief Clerk: Sweetland, free v. free, at 10 a.m.; Peterson v. Peterson, at 10 a.m.; At 11 a.m.: Peterson v. Peterson, at 11 a.m.; At 12 noon: Peterson v. Peterson, at 12 noon.

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WANTED TO PURCHASE. DISTRICT & JEWELLERS
BULLING MILLER. Particulars and prices.
MILLS, Herald Office.

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W. H. BROWN, 100 Bowdoin street, Boston, Mass., has for sale a large quantity of
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PAWN JERSEY
MAN, COVING
S, both kind
and superior
Buffs, Bellows
wanted in form,
to Lady's dress
to Leatherbag
Wanted, women's
Jackets, Raincoat

GRAPEHOPPER
Machine wanted. Box 353, G.P.O., Boston
MASS.

ANY Quantity Second-hand Furniture
Wanted. No dealers. Write for prices.
J. D. Dawson, 100
WPA, Philadelphia or Gonzales Park, New
Price, Hingham, 506 Kings, New York

WANTED TO Purchase, Small Second-hand
IRON, 12. Address
Wanted to Purchase, Small Second-hand
IRON, 12. Address

CAMERA, 1-Plate or Post-and-Partic, 1/2
size of photo, H. Jones, 611 W. 3rd St.,
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(For continuation see Index to Advertisements)

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IN THE HEART OF THE C-
PLENDID INVESTMENT FROM
RUE STREET, TOP OF HUNTER

Large Double-fronted Shop and two Floors of Offices, practically all let to advantage. Substantial Stone and Brick Building, in good order, splendidly situated. The LAND has a frontage of 50 1/2 ft to George-street, by depth therefrom to Wynyard-lane of 51 ft.

TOWNHIRE TITLE.
SHIP LIFT ON LEASE TILL MAY, 1921.
FIRST FLOOR FRONT LET TILL MAY, 1921.
OTHER TENANCIES TILL 1921.
TOTAL RENTS from Shop and all Offices amount to £2149/10 per annum. A Large Proportion of the Purchase Money can remain on Mortgage at 5 p.c. till 1921.

PACKHOUSE AND GODYER.

KATOOMBA.
 15 minutes from Katoomba Falls, and adjoining New
 Goff Falls, Property known as the **FALLS HOTEL**,
 wellstocked (thoroughly sound), gal. iron roof, con-
 taining 12 rooms, kitchen, and other outbuildings,
 situated on 100 acres, bounded by 750ft Katoomba
 Falls, 1873 ft. orchard, bowling green, lake.

Backlogs, drains, spring water pumped by ram and oil pump, sewerage system. Suitable High-class Boarding Establishment and Refreshment House, Tourist Hotel. Terms: Small deposit, and payments extending over 10 years.

BACKHOUSE AND GOYDER,
Auctioneers, 11 Martin-place, Sydney.
will sell the above Property by **PUBLIC AUCTION**
in the Real Estate Auction Rooms, 24 and 26 Castlereagh-street, on **THURSDAY, APRIL 11th, at 11.30**

GIENE.
GOOD INVESTMENT PROPOSITION.
48 to 56 DARGHAM-STREET, VERY WIDE.
14 bedrooms, 11 containing 1 room less. Good veranda and balconies. Excellent repair. Well let, 18 at 12/6, 4 at 10/6 each per week. **TOTAL RENT \$471/15 PER ANNUM.** LAND, 22,100 sq ft and 1000 sq ft. **TOBACCO, TOBACCO, TOBACCO.** These houses, owing to their position, are always readily let, and should increase in value.

BACKHOUSE
 Auctioneers, 14 Martin-place, Sydney.
 will offer the above Property by PUBLIC AUCTION,
 in the Real Estate Auction Rooms, 24 and 26 Castle-
 rough-street, on THURSDAY, APRIL 11, at 11.30 a.m.

WAR BOND GIVEN AWAY.

FRESHWATER. NEAR MANLY.

N.E.B. ESTATE.

WE undertake to hand a 410 WAR LOAN BOND to the sender of the first envelope opened at the Auction sale containing the correct word solution of the letters N.T.B.

The Interpretation will be announced Prior to the Opening.

Send your solution, also name and address, in sealed envelope, addressed "Competition," c/o Backhouse

and Geyder, Box 811, G.P.O., agency. Only letters so addressed will be considered.

MEANTIME, NOTE
THE DATE OF THE AUCTION SALE,
SATURDAY, APRIL 28th, 1928.

THE SPECTRUM CENTRAL POSTBOX OF THE
PROPERTY,
corner Oliver and Madison streets,
15 minutes from train, 8 minutes easy level walk to
surf, few minutes from Public School, Post-office, and

THE EXCEPTIONAL TERMS:
 £1 per lot deposit, balance £1 per lot per month,
 5 per cent. interest on balance.
 AND ATTEND THE SALE.

Get a Litho. and inspect the Land.

BACKHOUSE AND GOYDER,
 Auctioneers, 14 Martin-place,
 Sydney.
 NEW WALES & VICTORIA.

CONCORD, CONCORD, CONCORD,

THE MOST PROGRESSIVE OF WESTERN SUBURBS.

CONCORD PARK ESTATES, NOS. 2 AND 3.

CONCORD PARK ESTATES, NOS. 2 AND 3.

BEAUTIFULLY SITUATED HOME SITES.
BEAUTIFULLY SITUATED HOME SITES.
WELL POSITIONED BUSINESS SITES.
WELL POSITIONED BUSINESS SITES.
AUCTION SALE, ON THE GROUND,
SATURDAY, APRIL 8, AT 3 P. M.
SATURDAY, APRIL 6, AT 3 P. M.
VERY EASY TERMS: Deposit \$2 per lot, and bal-

and at £1 per month, with interest at 3 per cent.
SEND FOR A PLAN. Torrens Title.
BATT, ROOD, AND PURVES, LTD.,
AUCTIONEERS, 88 PITT STREET, SYDNEY.
Vendor, David Blackley, Challis House, Martin-place.

MENAI—SUTHERLAND,
 MENAI—SUTHERLAND,
 GARDEN'S HILL. FARMLETS.
 good rich soil, in a proved locality.
 FARMLETS FROM 2 ACRES TO 11 ACRES.
 FARMLETS FROM 2 ACRES TO 11 ACRES.
 AUCTION SALE.
 AT PRICE'S, DUNDEE, & DUNDEE RIVER.
 THURSDAY, APRIL 14, AT 3 P.M.

FARMLOTS, SUITABLE FOR POULTRY RUNS,
FARMLOTS, SUITABLE FOR PIG RAISING,
FARMLOTS SUITABLE FOR VEGETABLE GROWING,
FARMLOTS SUITABLE FOR FLOWERS AND FRUIT.
SEND FOR A PLAN. TORRENS TITLE.
VERY EASY TERMS: Deposit, £5 per block, and
balance at £1 per month, interest at 5 per cent.
FRANK BOND AND PURVES, LTD.

15 AUCTIONEERS, 88 PITT STREET, SYDNEY.
Vendor, David Shackel, Challis House, Sydney.

WOBORORA RIVER ESTATES.
WOBORORA RIVER ESTATES.

CONVENIENT WEEK-END AND CAMP SITE.
CONVENIENT WEEK-END AND CAMP SITE.

JUST THE PLACE FOR A HOLIDAY.
JUST THE PLACE FOR A HOLIDAY.

WATER-FRONTAGE BLOCKS.
some thousands of feet frontage to Woomera River,
with easy ACCESS TO RUTHERLAND AND COMO.

One of the loveliest places about Sydney, just similar to the river through the National Park, instantly suitable for camping or week-end sites.

FARMING BLOCKS.
A few Farm Blocks, from 5 acres to 30 acres.

AUCTION SALE.
PRICE'S BOATSHED, WORONORA RIVER,
SATURDAY, APRIL 13, AT 3 P.M.

VERY EASY TERMS: Deposit, £1 per lot, and 41 per month.

Don't miss the chance of acquiring a week-end life in veritable Fairyland. Send for a plan.

BATT. ROOD, AND PURVES LTD.
AUCTIONEERS, 88 PITT-STREET, SYDNEY.

Vendor, David Sharkey, Challis House, Sydney.

A UNIQUE CITY SUBDIVISION.

**WAREHOUSE, SHOWROOM, STORE, AND
HOTEL SITES.**

That Most Centrally Situated ISLAND BLOCK, containing 1 acre, surrounded by RENT, FRUIT, BUREN STREETS, AND WENTWORTH PLACE. Light on all sides, minimum FIVE BLOCKS in the heart of the city, close to the RAILROAD, BANK, POST OFFICE AND WHARF, and direct route to WOOLWOLMOO LAY. An excellent centre for DISTRIBUTING MERCHANTS, WAREHOUSEMEN, MANUFACTURERS, ETC. DOUBLE GATE ENTRANCE, no waste of space, and modern building.

HOTEL and WEIGHBRIDGE
 Land 200 ft in x 200 ft.
 TORRENS TITLE.
 Will be submitted to PUBLIC AUCTION, at the
 REAL ESTATE ROOMS, on TUESDAY, 16th APRIL, at
 11.30 a.m.
 IN ONE LINE, when, if not sold, as RIGHT IMP-
 ARATE SITES.
 each containing Rent-producing houses; so that buy-
 ers may be assured of a profitable investment.

Full particulars and plan free

BATT, BOOD, AND FUEVES, LTD.
BAINES AND HORNBY,
Auctioneers in Conjunction.

DENSTONE ESTATE, No. 8 SUBDIVISION,
AT RYDE RAILWAY STATION.

Fronting **THREE ROAD, NYEDALE ROAD, MARLOW.**
AVENUE, AND STRATFORD AVENUE.

adjoining DENISTONE PARK.
BLOCKS from 600 ft frontage by 1600 ft deep.
TITILE TORRENS. MOUNT. SWAINSON and Hamilton.
Solicitors for the Estate.
This Estate consists of Fine Sloping Lands, commanding
grand views.
PRELIMINARY NOTICE.
J. E. GREEN and CO will sell by Public Auction,
on the **GROUNDS**, on an **EARLY DATE**,
The above Splendid Building Sites, right at Ryde

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WANTED, about May 10, R. S.
thermist,
S. C. Can. chills,
state towns. Herald.

WANTED, Ground Floor P
hot baths phone, central
Apply, full service. E. W. P
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WANTED, 1913 M. Ladies, B
who would mind 2 babies
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124 Orchard, Farm Hand, 10000 Cr.
115 Rawson-chambers, 10000 Cr.
Mrs. Mulligan's, 22 Kings-
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Housekeeper Managers, 10000
Flats or Residential, 10000
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ent, open for engagement, single,
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trustworthy, wants 1 day
of Railway st. Potomac.
years' first-class experience,
is finding the laying out of law
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top-dressed. Gardens kept crisp
by scrub. G. BOURNE,
414 Adelaide street, Woolliak.
Miss Poon, bachelor etc., when
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P. 9; Post-street, Boston.

require caretaking of similar
educated people; personal refer-
ence. April, Box 1040, G.P.O.
Greensboro, North Carolina, please
write to Mrs. Wells at Newton
Furniture, will contact
Mrs. H. K. Edgell P.O.
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